

PTO/SB/21 (09-04)

JFW

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

152

Application Number

10/727,100

Filing Date

December 2, 2003

First Named Inventor

Erlander, Mark G.

Art Unit

1636

Examiner Name

Unknown

Attorney Docket Number

022041-001410US

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒

Information Disclosure Statement

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):Forms PTO/SB08A/B, ISR, 10 references,
return postcard☐Certified Copy of Priority
Document(s)☐Reply to Missing Parts/ Incomplete
Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53

Remarks

The Commissioner is authorized to charge any additional fees to Deposit
Account 20-1430.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Kawai Lau

Date

March 29, 2005

Reg. No.

44,461

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Timothy S. Parker

Date

March 29, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



PATENT
Attorney Docket No.: 022041-001410US

On March 29, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: *Christy L. Parker*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark G. Erlander, et al.

Application No.: 10/727,100

Filed: December 2, 2003

For: PREDICTING OUTCOME WITH
TAMOXIFEN IN BREAST CANCER

Examiner: Not yet assigned

Art Unit: 1636

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Also enclosed is a copy of an International Search Report dated March 4, 2005, which was issued in corresponding PCT application no. PCT/US2004/030789, and in which references AU and BC-BJ were cited.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, because this submission is prior to the issuance of a first Office Action on the merits.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Kawai Lau
Reg. No. 44,461

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
KL:tsp
60444808v1



PTO/SB/08A (08-03)

Substitute for form 1449A/PTO

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet	1	of	2	Application Number	10/727,100
				Filing Date	December 2, 2003
				First Named Inventor	Erlander, Mark G.
				Art Unit	1636
				Examiner Name	Not yet assigned
				Attorney Docket Number	022041-001410US

U.S. PATENT DOCUMENTS+

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	AA	US-			
	AB	US-			
	AC	US-			
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			
	AM	US-			
	AN	US-			
	AO	US-			
	AP	US-			
	AQ	US-			
	AR	US-			
	AS	US-			
	AT	US-			

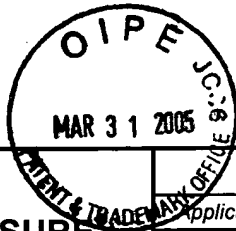
FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	AU	PCT	WO02/10332	A2	12/27/2002	Dai, et al.		<input type="checkbox"/>
	AV		0					<input type="checkbox"/>
	AW							<input type="checkbox"/>
	AX							<input type="checkbox"/>
	AY							<input type="checkbox"/>
	AZ							<input type="checkbox"/>
	BA							<input type="checkbox"/>
	BB							<input type="checkbox"/>

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Unsaved Document



Substitute for form 1449B/PTO		Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/727,100		
		Filing Date	December 2, 2003		
		First Named Inventor	Erlander, Mark G.		
		Art Unit	1636		
		Examiner Name	Not yet assigned		
Sheet	2	of	2	Attorney Docket Number	022041-001410US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BC	DAIDONE, M.G., et al. "Biomarkers and outcome after tamoxifen treatment in node-positive breast cancers from elderly women", <i>British Journal of Cancer</i> (2000) 82(2):270-277	
	BD	VAN DER FLIER, Silvia, et al. "Bcar 1/p130Cas Protein and Primary Breast Cancer: Prognosis and Response to Tamoxifen Treatment", <i>Journal of the National Cancer Institute</i> , (2000) Vol. 92(2):120-127	
	BE	LUO, L-Y, et al. "Higher expression of human kallikrein 10 in breast cancer tissue predicts tamoxifen resistance", <i>British Journal of Cancer</i> (2002) 86:1790-1796	
	BF	ELLIS, Matthew J., et al. "Neoadjuvant comparisons of aromatase inhibitors and tamoxifen: pretreatment determinants of response and on-treatment effect", <i>Journal of Steroid Biochemistry & Molecular Biology</i> (2003) 86:301-307	
	BG	HILSENBECK, Susan G., et al. "Statistical Analysis of Array Expression Data as Applied to the Problem of Tamoxifen Resistance", <i>Journal of the National Cancer Institute</i> (1999) 91(5):453-459	
	BH	VAN'T VEER, Laura, et al. "Gene expression profiling predicts clinical outcome of breast cancer", <i>Nature</i> (2002) 415:530-536	
	BI	MA, Xiao-Jun, et al. "A two-gene expression ratio predicts clinical outcome in breast cancer patients treated with tamoxifen", <i>Cancer Cell</i> (2004) 5:607-615	
	BJ	BECKER, Michael, et al. "Distinct gene expression patterns in a tamoxifen-sensitive human mammary carcinoma xenograft and its tamoxifen-resistant subline MaCa 3386/TAM", <i>Molecular Cancer Therapeutics</i> (2005) 4(1):151-168	
	BK	RAMASWAMY, Sridhar, et al., "A molecular signature of metastasis in primary solid tumors", <i>nature genetics</i> (2003) 33:49-54	
	BL		
	BM		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.